

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

IN RE: NEW ENGLAND COMPOUNDING)
PHARMACY, INC. PRODUCTS LIABILITY)
LITIGATION) MDL No. 1:13-md-2419-FDS
)
This Document Relates to:)
All Cases)
)

**ASSENTED-TO MOTION TO EXTEND TIME TO RESPOND TO (I) MOTION TO
ALTER OR AMEND JUDGMENT UNDER RULE 59(e) AND (II) MOTION TO
CERTIFY FOR INTERLOCUTORY APPEAL UNDER 28 U.S.C. § 1292(b)**

The Official Committee of Unsecured Creditors (the “Official Committee”) in the Chapter 11 proceeding (the “Chapter 11 Case”) of New England Compounding Pharmacy, Inc. d/b/a New England Compounding Center (“NECC” or the “Debtor”), by and through its undersigned counsel, hereby files this Assented-to Motion to Extend Time to respond to (I) the *Motion to Alter or Amend Judgment Under Rule 59(e)* [Docket No. 195], (II) the *Motion to Certify for Interlocutory Appeal Under 28 U.S.C. § 1292(b)* [Docket No. 196]; and (III) the accompanying *Memorandum of Law in Support of Motion to Alter or Amend Judgment Under Rule 59(e) or, in the Alternative, to Certify for Interlocutory Appeal Under 28 U.S.C. § 1292(b)* [Docket No. 197] (collectively, the “Motions”) filed by the Roanoke Gentry Locke Plaintiffs.¹ The Roanoke Gentry Locke Plaintiffs and the Official Committee have agreed, subject to this Court’s approval, to extend the time in which the Official Committee may respond to the Motions to and including Friday, July 12, 2013, on the condition that the Court sets the Motions for hearing at the same time as the status conference currently scheduled for August 9, 2013.

¹ The Roanoke Gentry Locke Plaintiffs consist of parties who, represented by the law firm Gentry Locke Rakes & Moore, filed personal injury and wrongful death claims against non-debtor third-party defendants in Virginia state court.

Responses to the Motions are currently due on or before Friday, July 5, 2013. The Official Committee is requesting additional time to evaluate and appropriately respond to the Motions. Further, the Court has already scheduled August 9, 2013 as a date for a status conference and the extension will not require the Court to reserve a new or additional hearing date. This Court has already granted an extension to the Chapter 11 Trustee's time to respond to the Motions [Docket Nos. 214, 216].

CERTIFICATE PURSUANT TO LOCAL RULE 7.1(A)(2)

The undersigned hereby certifies that counsel for the movants conferred with counsel for the Roanoke Gentry Locke Plaintiffs, who assented to this motion.

WHEREFORE, the Official Committee respectfully requests that the Court grant this *Assented-to Motion To Extend Time to Respond to (I) Motion to Alter or Amend Judgment Under Rule 59(e) and (II) Motion to Certify for Interlocutory Appeal Under 28 U.S.C. § 1292(b)* by (i) extending the time in which the Official Committee may respond to the Motions to and including July 12, 2013 and (ii) scheduling the Motions for hearing during the August 9, 2013 status conference.

Dated: July 2, 2013
Boston, Massachusetts

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CERTIFICATE OF SERVICE

I, Carol S. Ennis, hereby certify that on July 2, I caused a copy of the foregoing assented to Motion to Extend Time to be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants, by first class mail, postage prepaid.

Dated: July 2, 2013

Boston, Massachusetts

/s/ Carol S. Ennis

Carol S. Ennis

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